

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANYELIS DeLEON,

Plaintiff,

v.

BANK OF AMERICA N.A., GOLDMAN
SACHS BANK USA, DISCOVER BANK, TD
BANK N.A, EQUIFAX INFORMATION
SERVICES, LLC, EXPERIAN
INFORMATION SOLUTIONS, INC., and
TRANS UNION, LLC,

Defendants.

Civil Action No: 1:24-cv-627

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Discover Bank (“Discover”), by and through its undersigned counsel, hereby gives notice of the removal of the above-entitled action, and all claims and causes of action therein, currently pending in the Supreme Court of the State of New York, County of Bronx (the “State Court Action”) to the United States District Court for the Southern District of New York, and respectfully states as follows:

PARTIES

1. Plaintiff Anyelis DeLeon (“Plaintiff”) is a resident and domiciliary of the State of New York.
2. Defendant Discover is a Delaware chartered state bank with its principal place of business located at 2500 Lake Cook Road, Riverwoods, Illinois 60015.
3. Upon information and belief, Defendant Bank of America, N.A. (“BoA”) is a national banking association with a principal place of business in Charlotte, North Carolina.
4. Upon information and belief, Defendant Goldman Sachs Bank USA (“Goldman

Sachs”) is a bank with a principal place of business in New York, New York.

5. Upon information and belief, Defendant TD Bank N.A. (“TD Bank”) is a bank with a principal place of business in Cherry Hill, New Jersey.

6. Upon information and belief, Defendant Equifax Information Services, LLC (“Equifax”) is a credit reporting agency with a principal place of business in Atlanta, Georgia.

7. Upon information and belief, Defendant Experian Information Solutions, Inc. (“Experian”) is a credit reporting agency with a principal place of business in Costa Mesa, California.

8. Upon information and belief, Defendant Trans Union, LLC (“TransUnion”) is credit reporting agency with a principal place of business in Chicago, Illinois.

BACKGROUND

9. On or about December 15, 2023, Plaintiff commenced an action against BoA, Goldman Sachs, Discover, TD Bank, Equifax, Experian, and TransUnion in the Supreme Court of the State of New York, County of Bronx, entitled *Anyelis DeLeon v. Bank of America, N.A., Goldman Sachs Bank USA, Discover Bank, TD Bank N.A., Equifax Information Services, LLC, Experian Information Solutions, Inc., and Trans Union, LLC*, by filing a Summons and Complaint, which was assigned Index No. 819943/2023E (the “State Court Action”).

10. A true and correct copy of the Summons and Complaint in the State Court Action is attached as **Exhibit A**.

11. Other documents were filed in the State Court Action, including: Notices of Appearance for Plaintiff’s counsel, Affirmations of Service upon BoA, TD Bank, Goldman Sachs, Discover, and Experian, and Stipulations extending Goldman Sachs’ and BoA’s time to respond to the Complaint, true and correct copies of which are attached as **Exhibit B**. There are no other known pleadings in the State Court Action.

12. In the State Court Action, Plaintiff alleges that Discover has filed inaccurate reports to credit reporting agencies related to her credit card account with Discover. *See* Ex. A; Compl. ¶¶ 4, 99-114. Based on those alleged violations, Plaintiff asserts a claim under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.*

13. Plaintiff also alleges claims against BoA, Goldman Sachs, TD Bank, Equifax, Experian, and TransUnion under FCRA. *See* Ex. A, Compl. ¶¶ 4, 99-114. In addition, Plaintiff asserts a state law claim against Equifax, TransUnion and Experian under the New York Fair Credit Reporting Act (“NY FCRA”), Gen. Bus. Law § 380 *et seq.*, which is based on the same nucleus of facts as her FCRA claims against Equifax, TransUnion and Experian.

14. Defendants have not yet responded to the Complaint.

15. Nothing contained in this Notice of Removal or accompanying papers is intended to waive or relinquish any of the Defendants’ rights or defenses, and Defendants expressly reserve all rights and defenses (including, but not limited to, all jurisdictional defenses) and counterclaims to the Complaint.

THIS COURT HAS FEDERAL QUESTION JURISDICTION

16. Pursuant to 28 U.S.C. § 1331, “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Here, Plaintiff has asserted violations of FCRA, 15 U.S.C. § 1681 *et seq.*, which is a federal statute. Accordingly, this Court has original jurisdiction over this case.

17. Additionally, the District Court exercises “supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). In addition to her claims under FCRA, based on the same conduct, Plaintiff alleges violations of the NY FCRA, Gen. Bus. L. § 380 *et seq.*

REMOVAL IS TIMELY

18. Defendant BoA was served with the Summons and Complaint on December 26, 2023; TD Bank was served on December 20, 2023; Goldman Sachs was served on January 2, 2024; Discover was served on December 29, 2023; and Experian was served on December 29, 2023. *See* Ex. B.

19. Defendants Equifax and TransUnion have not yet been served with the Summons and Complaint.

20. Discover has timely filed this Notice of Removal, pursuant to 28 U.S.C. § 1446(b), within 30 days of its receipt of a copy of the Summons and Complaint in the State Court Action. *See* Ex. B, Affidavit of Service upon Discover (NYSCEF Doc. No. 7).

CONSENT TO REMOVAL

21. Under 28 U.S.C. § 1446(b)(2)(A), “all defendants who have been properly joined and served must join in or consent to the removal of the action.”

22. Here, only Defendants BoA, TD Bank, Goldman Sachs, Discover, and Experian have been served with the Summons and Complaint. *See* Ex. B. Those Defendants have consented to removal. Equifax and TransUnion have not yet been served with the Summons and Complaint and their consent therefore is not required.

VENUE

23. Venue properly lies in the United States District Court for the Southern District of New York under 28 U.S.C. § 1441(a) because this district embraces the place where the State Court Action is pending. *See* 28 U.S.C. § 112(b).

NOTICE

24. Pursuant to 28 U.S.C. § 1446(d), Discover will promptly file a Notice of Filing of Notice of Removal (with a copy of this Notice of Removal attached) with the Clerk of the Supreme

Court of New York, County of Bronx and serve it upon all counsel in this action. A copy of the Notice of Filing of Notice of Removal (without exhibits) is attached as **Exhibit C**.

STATE COURT PLEADINGS

25. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders of record served upon Defendants in this action are attached to this notice as Exhibits A and B. This case is being removed from the Supreme Court of the State of New York, County of Bronx, 851 Grand Concourse, Bronx, New York 10451.

CONCLUSION

WHEREFORE, Defendant Discover hereby removes this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, being the District for the county in which this action is pending, and respectfully requests that the matter proceed in this Court as an action properly removed thereto.

Dated: New York, New York
January 29, 2024

FAEGRE DRINKER BIDDLE & REATH LLP

/s/ Marsha J. Indych

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